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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.967 of 2013
Cuttack, this the 21st day of January, 2015

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)**

Bibhuti Bhusan Nayak,
aged about 35 years,
S/o. Bhula Nayak,
Ex-Tech-II(TCM)/KDJR,
East Coast Railway, Keonjhar,
At present Village-Nuapada,
Via-Tarpur, P.S.-Tirtol,
Dist-Jagatsinghpur.

...Applicant

(Advocates: M/s.S.K. Nayak, S.K. Sahu, A.B. Parida)

VERSUS

Union of India Represented through

1. The General Manager,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
2. Senior Division Signal Telecom Engineer,
East Coast Railway,
Khurda Road, Khurda.
3. Divisional Signal Telecom Engineer-II,
Khurda, At/P.O.-East Coast Railway,
Khurda Road, Dist-Khurda.
4. Assistant Signal Telecom Engineer,
East Coast Railway,
Khurda Road, Dist-Khurda.
5. Senior Section Engineer, Telecom/Wireless,
Khurda, At/P.O.-East Coast Railway,
Khurda Road, Khurda.
6. Senior Section Engineer, Telecom/BBS,
At/P.O.-East Coast Railway,
Bhubaneswar.

..... Respondents

Advocate(s)..... Mr. T. Rath



O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.K. Nayak, Ld. Counsel for the Applicant, and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act challenging the order dated 23.03.2013 in which the authorities have decided to impose the punishment on him under Rule 6(six) i.e., dismissal from service with immediate effect. Mr. Nayak submitted that the applicant could know about his dismissal from service by Respondent No.3 when Respondent No.2 in order to comply the order of this Tribunal dated 12.08.2013 passed in O.A.No.532/2013 regarding acceptance of resignation of the applicant intimated to him in his letter dated 10.09.2013 that he is no more in Railway service with effect from 25.03.2013.

3. On the other hand, Mr. T. Rath, Ld. Standing Counsel for the Railways, brought to our notice the provisions made in the letter dated 25.03.2013 in which liberty was granted to the applicant to prefer appeal to the Appellate Authority i.e., Sr. DSTE/KUR against this order within 45 days from the date of receipt of this order. But the applicant has not preferred any appeal in this regard.

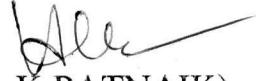
4. Even if we accept the contention of the applicant that he could know about the order of dismissal from letter dated 10.09.2013 then also he has not taken any steps to prefer appeal within 45 days.



5. Mr. Nayak prays for a direction to the applicant to prefer the appeal and prays for condonation of the delay in preferring the appeal. We are not inclined to condone the delay to prefer the appeal. He may file the petition for condonation of delay to the Appellate Authority and the Appellate Authority may consider the same as per the Rules and regulations in force and dispose of the appeal as early as possible by way of a reasoned and speaking order. With the position aforesaid, we make it clear that we are not expressing any opinion on the merit of this case.

6. With the aforesaid observation and direction, this O.A. is disposed of. No costs.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

K.B.